

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

UNITED STATES OF AMERICA )

v. )

MATTHEW R. OSUBA, )

Case No. 1:18-mj-546 (DJS)

Defendant. )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about August 30, 2018 and September 1, 2018 in the county of Ulster in the Northern District of New York the defendant violated:

*Code Section*  
18 U.S.C. §§ 2252A(a)(2)(A),  
2252A(b)(1)

*Offense Description*  
Distribution of child pornography

This criminal complaint is based on these facts:  
See attached affidavit

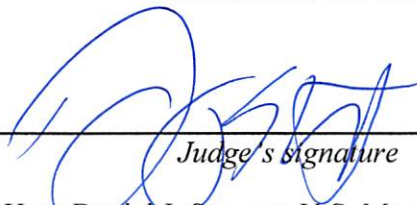
☒ Continued on the attached sheet.


*Complainant's signature*

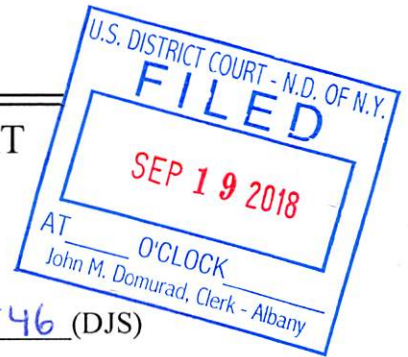
Task Force Officer Christopher Smith, FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: September 19, 2018

*Judge's signature*City and State: Albany, New York

Hon. Daniel J. Stewart, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF**  
**CRIMINAL COMPLAINT**

I, Christopher Smith, a Task Force Officer with the Federal Bureau Investigation, being duly sworn, depose and state as follows:

**Introduction**

1. I am a Task Force Officer with the Federal Bureau of Investigation ("FBI") and have been since 2012. I am assigned to the Albany Division, Albany, NY. I have investigated a variety of violent crimes, including the areas of child pornography and online enticement investigations. I am currently investigating federal violations concerning child pornography and the sexual exploitation of children. I have gained experience regarding such crimes through training in seminars, classes, and everyday work related to conducting these types of investigations.

2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and I am empowered by law to conduct investigations and to make arrests for Title 18 offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is made in support of a criminal complaint charging Matthew R. OSUBA with a violation of Title 18, United States Code, Section 2252A(a)(2)(A), distribution of child pornography.

4. The statements in this affidavit are based in part on information developed by your affiant and on my investigation of this matter, including the results of a search warrant executed on September 18, 2018. I have set forth only those facts that I believe are necessary to establish probable cause to believe that Matthew R. OSUBA has committed violations of Title 18, United States Code, Section 2252A(a)(2)(A).

**Probable Cause**

5. On August 1, 2018, the National Center for Missing and Exploited Children sent a cybertip report to the New York State Police Internet Crimes Against Children (“ICAC”) Unit in Albany, New York. In that report, a reporting party from [REDACTED], hereinafter referred to as “Witness 1,” stated that she was communicating with a subject utilizing the online social media application Kik Messenger, commonly referred to as “Kik.”<sup>1</sup> Witness 1 stated that she was direct messaging with the Kik account “LightsaberMaster” with vanity name of “Matt O.” Witness 1 provided screenshots of her conversations with LightsaberMaster to NCMEC. NCMEC sent the screenshots to ICAC investigators as part of the cybertip referral. When LightsaberMaster and Witness 1 first spoke, they had the following conversation:

Witness 1:	How young is the youngest you’ve fucked bb? (emoji)
LightsaberMaster:	Honestly? Won’t get freaked?
Witness 1:	Honestly bb
LightsaberMaster:	4
Witness 1:	U penetrated a 4 yo?
LightsaberMaster?	Anal yes.
Witness 1:	How old were u at the time?
LightsaberMaster:	30
Witness 1:	[REDACTED]?
LightsaberMaster:	No. I haven’t penetrated her.
Witness 1:	You did other stuff with her?
LightsaberMaster:	[REDACTED]
LightsaberMaster:	Long enough lol.
LightsaberMaster:	Starting cumming on her when she was a baby.
Witness 1:	[REDACTED]
LightsaberMaster:	Just the girl

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<sup>1</sup> Witness 1 is an administrator for a Kik chat group. Kik is a freeware instant messaging mobile app from the Canadian company Kik Interactive, available free of charge on iOS (Apple devices), Android (various manufacturers to include Motorola, LG and Samsung), and Windows Phone operating systems. It is commonly utilized on a cellular telephone or smartphone to transmit and receive messages, photos, videos, sketches, mobile webpages, and other content via the Internet after users register a username. Kik is known for its features preserving users’ “anonymity”, such as allowing users to register without providing a telephone number or true name. The application logs user IP addresses which the company can use to determine location and some details pertaining to the equipment used to register the Kik account.

LightsaberMaster: But I did mouth fuck a 2 yo boy.  
Witness 1: Mmm I bet you did. Anyone else?  
LightsaberMaster: Maybe lol

6. On August 3, 2018, ICAC Inv. Marcia Pooler filed an emergency disclosure request with Kik for the LightsaberMaster account.<sup>2</sup> Results were obtained on August 3, 2018 from Kik, which showed the LightsaberMaster account was accessed through various IP addresses, including wifi addresses and mobile IP addresses. A specific IP address referred to as “Subject IP #1” was one of the most often used IP addresses, as well as the most recent wifi IP address used to access the LightsaberMaster Kik account. Through subpoenas, investigators learned that Subject IP #1 is subscribed to by a business in Woodstock, New York where the OSUBA is employed.

7. After contacting law enforcement, Witness 1 continued to have contact with LightsaberMaster via Kik messaging and provided screenshots of those conversations to New York State Police Investigator Kevin Chorzempa who provided your affiant with those copies.<sup>3</sup> Between August 30 and September 1, 2018, LightsaberMaster and Witness 1 engaged in conversation via Kik, including the following excerpts:

Witness 1: Oh you have? Just send them and I’ll have a look when I’m back home later on tonight.

...

LightsaberMaster: Hi mommy

Witness 1: Hi baby. I’m at home now. How are you. Got them pics for me.

LightsaberMaster: Hi mommy.

8. LightsaberMaster then sent an image to Witness 1 that depicts a prepubescent girl laying on a bed. She is not wearing any underwear. Her legs are spread apart and her vagina and anus are exposed. Her vagina and anus are the focal point of the image. Witness 1 responded, “Hi

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<sup>2</sup> Inv. Pooler followed her request with an administrative subpoena dated August 9, 2018.

<sup>3</sup> Witness 1 continued to engage in conversations with LightsaberMaster to assist law enforcement; however, the dialogue was not directed by law enforcement.

baby. Got more for me.” LightsaberMaster replied, “I do.” Later in the conversation, LightsaberMaster sent another image to Witness 1 depicting the same prepubescent child shown in the first picture he sent. The child appears to be on the same bed as in the first picture. Again, her vagina and anus are exposed.

9. On September 7, 2018, an administrative subpoena was sent to KIK requesting connection records for the LightsaberMaster account between August 30 and September 1, 2018. On September 13, 2018, Kik responded that the LightsaberMaster account had been accessed from a second specific IP address referred to as “Subject IP #2.” Through subpoenas, investigators learned that Subject IP #2 is subscribed to by [REDACTED] at a specific residence in Saugerties, New York referred to as the “Subject Premises.”


10. Through the investigation and interviews, members of law enforcement learned that OSUBA stayed at the Subject Premises regularly.

11. On September 17, 2018, your affiant obtained a federal search warrant authorizing members of law enforcement to search the Subject Premises, the person of OSUBA, a vehicle OSUBA regularly operates, and electronic media, including cellphones.

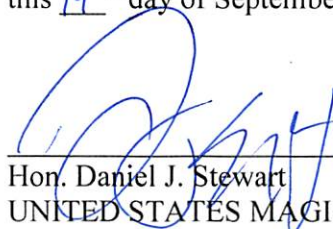
12. On September 18, 2018, members of law enforcement went to OSUBA’s place of employment. He was there and agreed to speak with agents in the breakroom. He admitted that the LightsaberMaster account is his and that he is the only person who uses the account. OSUBA also admitted to sharing child pornography over Kik, including over the summer. Agents located OSUBA’s cellphone on his desk. He admitted that the cellphone belongs to his employer but is assigned to him. OSUBA stated he is the only one to use the cellphone and the only one that knows the password to the cellphone. Agents conducted an initial search of the cellphone and found both images described above in Paragraph 8.

**CONCLUSION**

13. Based on the foregoing, there is probable cause to conclude that Matthew R. OSUBA has knowingly distributed child pornography, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

  
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Christopher R. Smith  
Task Force Officer, FBI

Sworn and subscribed before me  
this 19<sup>th</sup> day of September, 2018.

  
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Hon. Daniel J. Stewart  
UNITED STATES MAGISTRATE JUDGE